

**DATA PROTECTION POLICY AND GENERAL
DATA PROTECTION REGULATION 2018 (GDPR)**

Policy Statement

Avery Naylor Ltd will collect, use, share and store information about staff, clients and third parties e.g. experts.

Avery Naylor Ltd obtains personal data and information from clients and third parties in order to provide services. This data is stored and processed only for the purposes of the services they provide.

This personal information must be dealt with properly and securely and in whatever way it is collected, used, shared and stored - whether on paper, electronically or in any other recorded way.

The provisions of the current Data Protection Act 1998 must be followed and compliance with GDPR effected.

Avery Naylor Ltd regards the lawful and correct treatment of personal information as very important to the successful and efficient performance of its functions, and to maintain confidence between themselves, their clients and third parties.

Avery Naylor Ltd fully endorses and adheres to the Principles of Data Protection, as set out in the Data Protection Act 1998 and GDPR.

All staff continue to receive training to ensure a full understanding of data protection and GDPR. This is especially so given that GDPR came into force on 25th May 2018 and ensures strict compliance with data protection.

Lucy Jones will have overall responsibility for implementing this policy and it shall be reviewed on an annual basis.

Purpose

The purpose of this policy is to ensure that the staff, clients and third parties are clear about the purpose and principles of Data Protection and GDPR and to ensure that it has guidelines and procedures in place which are consistently followed.

Failure to adhere to the Data Protection Act 1998 and GDPR is unlawful and could result in legal action being taken against Avery Naylor Ltd or its staff, clients or third parties.

Principles

The Data Protection Act 1998 regulates the processing of information relating to living and identifiable individuals (data subjects). This includes the obtaining, holding, using or disclosing of such information. This covers computerised records as well as manual filing systems.

Staff must comply with the data protection principles of good practice which underpin the Act. To comply with the law, information must be collected and used fairly, stored safely and not disclosed to any other person unlawfully.

Avery Naylor Ltd follow the eight Data Protection Principles outlined in the Data Protection Act 1998 set out below:

- Personal data will be processed fairly and lawfully
- Data will only be collected and used for specified purposes
- Data will be adequate, relevant and not excessive
- Data will be accurate and up to date
- Data will not be held any longer than necessary
- Data subject's rights will be respected
- Data will be kept safe from unauthorised access, accidental loss or damage
- Data will not be transferred to a country outside the European Economic Area, unless that country has equivalent levels of protection for personal data.

The principles apply to "personal data" held on computer or in manual filing systems from which they are identifiable. Avery Naylor Ltd.'s employees, clients and any third parties who process or use any personal information in the course of their duties will ensure that these principles are followed at all times.

Data Protection Officer

GDPR ensures that Avery Naylor Ltd has a Data Protection Officer who will be Sarah Jones.

The role and responsibilities of the Data Protection Officer will be to consider data protection risks and issues, be aware and have a full working knowledge of the data protection policy and General Data Protections Regulations 2018, respond to clients, employees and third parties in relation to any questions and queries about any data held by the Company about them and check and approve all 3rd party contracts about data processing and any privacy notice in existence.

The Data Protection Officer shall also co-ordinate any data protection training and advice for all staff in consultation with Lucy Jones who has overall responsibility for implementing the Data Protection Policy and General Data Protections Regulations 2018.

The Data Protection Officer shall be the point of contact for all staff in reporting actual or potential data protection compliance failures. This shall be reported in accordance with the data protection procedure document which is in existence and using the General Data Protection Regulations breach record form. The Data Protection Officer shall investigate any failures and take remedial steps if necessary.

A central register of compliance failures will be maintained, and the Solicitors Regulation Authority shall be notified of any compliance failures.

Duties under Data Protection Act and General Data Protection Regulations 2018

Avery Naylor Ltd are under a duty to process personal data fairly and lawfully in accordance with individuals' rights. The consent of the individual whose details we are processing is required to be able to do this. We cannot process personal data if this consent is not received.

The **written consent** provided by an individual confirms why we are holding this data, our use of the same and to whom the data will be disclosed to. An individual has a right to access the personal data held at any time but this request is subject to a fee of £50.

Personal data gathered about an individual can include the following (but is not exhaustive): individuals' contact details, date of birth, financial and pay details, marital status, nationality, etc.

There is also sensitive personal data that can be gathered about an individual, to include (but this not exhaustive): race and ethnicity, physical or mental health/condition, criminal offences or proceedings relating to a child etc.

Procedures

Avery Naylor Ltd meets its responsibilities in terms of Data Protection and compliance with GDPR.

Avery Naylor Ltd as a company is a data controller and all staff members are data processors.

The Directors are ultimately responsible for this policy's implementation.

The procedures that Avery Naylor Ltd have put in place to meet Data Protection requirements and compliance with GDPR are as follows:

1. A privacy notice is in place to regulate all data collected, used, shared and stored by use of Avery Naylor Ltd's website and social media sites.
2. A consent form is held for each individual confirming their consent to the collection of all data and its use, storage and how it may be shared.
3. Client care letters are in use providing information about how Avery Naylor Ltd meets Data Protection requirements and compliance with GDPR. The client care letters refer to this Data Protection Policy and GDPR 2018 and confirm that a copy of the policy can be made available upon request.

4. Closing letters confirm how Avery Naylor Ltd meets Data Protection requirements and compliance with GDPR in respect of the storage of data upon completion of a matter.
5. Written agreements are in place with all third parties to ensure that all data collected, used, shared and stored meets Data Protection requirements and compliance with GDPR.
6. Internal training has been provided to all staff members to ensure strict compliance with data protection.
7. All staff members are aware of the importance of data protection and compliance with GDPR which is reflected in their contracts of employment. Any breaches of data protection and GDPR by staff members may result in disciplinary proceedings being instigated.
8. An internal form has been compiled for all staff members to use to report any breaches of data protection to the Information Commissioner's Office.
9. All other Avery Naylor Ltd policies (where relevant) have been updated to include reference and compliance with data protection and GDPR e.g.: confidential waste collection.
10. An 'erasure' form has been compiled for individuals to use should a request be made for deletion or removal of data collected, used, shared and stored by Avery Naylor Ltd

These procedures mean that all Avery Naylor Ltd's systems, services, software and equipment are compliant with data protection and GDPR.

Purposes

Avery Naylor Ltd obtains personal data and sensitive personal data (i.e. names, addresses, phone numbers, email addresses), application forms and references etc. This data is stored and processed for the following purposes:

- Recruitment
- Equal Opportunities monitoring
- To distribute relevant material e.g. meeting papers
- Salaries
- To act in accordance with an individuals' instructions and any retainer entered into in terms of advising, assisting and representing individuals
- To ensure compliance with court orders
- To further all day to day management and involvement on an individual's case

Consent

Personal data is collected in person, over the phone, via our website and by other methods such as e-mail. During this initial contact, the client/third party is given an explanation of how this information will be used and asked to enter into a written agreement as to how this data is to be collected, used, stored and shared.

Personal data will not be passed on to anyone outside the company without explicit consent and third-party contracts being entered into.

Access

Only the company's employees will normally have access to personal data. All staff and volunteers are made aware of the provisions of this Data Protection Policy.

Information supplied is kept in a secure file, paper and electronic system and is only accessed by those individuals involved in the delivery of the service. Information will not be passed on to anyone outside the company without the individuals explicit consent and a third-party contract being in existence.

An individual has a right to access the personal data held at any time but this request is subject to a fee of £50.

All confidential post must be opened by the addressee only.

Accuracy

Avery Naylor Ltd will take reasonable steps to keep personal data up to date and accurate.

If a request is received from a company/individual to destroy or erase their records, then such requests will be considered on a case by case basis. A company/individual has a right under the provisions of GDPR to make this request. However, this request can be refused if an exemption applies, such as holding data for a legitimate purpose e.g.: in accordance with limitation periods for negligence claims.

Storage and retention of data

Personal data is kept in paper-based systems and on a password-protected computer system. Every effort is made to ensure that paper-based data are stored in organised and secure systems.

Avery Naylor Ltd retain personal data following the conclusion of a case which is stored safely and securely at all times. A policy is in operation for this purpose. On a day to day level, Avery Naylor Ltd operates a clear desk policy at all times.

Avery Naylor Ltd operates a clear desk policy at all times

Code of Practice for Disclosure and Barring Service (DBS)

Avery Naylor Ltd will act in accordance with the DBS code of practice. Copies of disclosures will be deleted when no longer required. In most cases this is no longer than 6 months. There may be circumstances where it is deemed appropriate to exceed this limit e.g. in the case of disputes.

Information Commissioner's Office

The Information Commissioner's Office regulates data protection and compliance with GDPR. Any breaches of data protection and non-compliance with GDPR are

dealt with by them. For more information as to their role please visit them at www.ico.org.uk

Sanctions

The Information Commissioner's Office are responsible for imposing any sanctions necessary for non-compliance with Data Protection requirements and GDPR.